

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

VOCALSPACE, LLC

Plaintiff,

v.

DANIEL D. LORENZO and
LARKSPARK CORPORATION,

Defendant.

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Civil Action No. 4:09-CV-00350

MOTION FOR WITHDRAWAL OF COUNSEL

TO THE HONORABLE JUDGE OF SAID COURT:

This Motion for Withdrawal of Counsel is brought by Ernest P. Nycz, who is attorney of record for **Daniel D. Lorenzo and LarkSpark Corporation** and requests the Court to grant permission to withdraw as attorney for **Daniel D. Lorenzo and LarkSpark Corporation** in this case. In support, Ernest P. Nycz would show that good cause exists for withdrawal as Lorenzo and LarkSpark will not follow the advise and direction of counsel.

A copy of this motion is being delivered to **Daniel D. Lorenzo and LarkSpark Corporation** via U.S. mail, certified and regular, and electronic mail, who are hereby notified in writing of their right to object to this motion. The last known address of **Daniel D. Lorenzo** is 9613 Beck Drive, Plano, Texas 75025. The last known address of **LarkSpark Corporation** is 9613 Beck Drive, Plano, Texas 75025.

At present the status of case is this matter has been passed for trial that was set for March 2011. On March 12, 2011 the parties entered into a mediated settlement agreement which

resolved the disputes between parties, subject to a substantive final settlement agreement and eventually an order dismissing this case. The parties have so far been unable to reach a final settlement agreement and this Court has scheduled a settlement conference for May 27, 2011. There are no discovery deadlines or trial settings at this time.

On entry of an order granting this motion and discharging Movant as attorneys of record for **Daniel D. Lorenzo and LarkSpark Corporation**, Movants will provide **Daniel D. Lorenzo and LarkSpark Corporation** with copies of any all documents and pleadings Movant may have in their possession as related to the above-reference case, subject to any restrictions on orders of protection that are in place.

Notice to Client

You do not have to agree to this motion. You are hereby notified that this Motion for Withdrawal of Counsel may be set for hearing. If this Motion for Withdrawal of Counsel is set for hearing, you will be notified under separate cover of the date, time and location of the hearing. If you wish to contest the withdrawal of Ernest P. Nycz as your attorney, you should file a written objection and appear at a hearing, if one is set. If you do not oppose Ernest P. Nycz's withdrawal as your attorney, you may notify them in writing of your consent to this motion by sending an email, a facsimile or signing the Order on Motion for Withdrawal of Counsel which is being sent to you along with this Motion for Withdrawal of Counsel.

Prayer

Ernest P. Nycz prays that the court enter an order discharging him as attorney of record for Daniel D. Lorenzo and LarkSpark Corporation.

Respectfully submitted,

/s/ Ernest P. Nycz
ERNEST P. NYCZ
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Fax (214) 853 5905
ATTORNEY FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

I hereby certify that on this day I have discussed the matter of this motion with opposing Counsel Neal Massand and my client Daniel Lorenzo and LarkSpark Corporation, and everyone has told me that they are opposed to my motion to withdraw.

/s/ Ernest P. Nycz
ERNEST P. NYCZ

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2011 a true and correct copy of the foregoing Motion to Withdraw has been electronically filed on the CM/ECF system, and sent via email to Neal Massand (opposing Counsel) and to Dante Lorenzo via email and U.S. Mail.

/s/ Ernest P. Nycz
ERNEST P. NYCZ